IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 15376 of 2005(E)

PETITIONER:

T.K.VENUGOPAL, AGED I GRADE OVERSEER,
GURUVAYOOR DEVASWOM, GURUVAYOOR.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:
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1. **THE GURUVAYOOR DEVASWOM COMMISSIONER,**
   GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM.

2. **THE GURUVAYOOR DEVASWOM MANAGING**
   COMMITTEE REP. BY ITS ADMINISTRATOR,
   GURUVAYOOR DEVASWOM OFFICE, GURUVAYOOR.

3. **THE SRI.O.A.SANKARA NARAYANA,**
   THE ASSISTANT EXECUTIVE ENGINEER,
   (ELECTRICAL) GURUVAYOOR DEVASWOM BOARD,
   GURUVAYOOR.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.R.RAMADAS
SRI.M.RAMESH CHANDER, SC, GDB
SRI.U.K.RAMAKRISHNAN, SC/, GDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 15376/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE JUDGMENT IN OP. NO.29007/00 OF THIS HONOURABLE COURT DT. 16.10.2000.

EXT.P2:- COPY OF THE NOTE BEARING NO.B1-12421/02 DT. 5.7.03 ISUE BY 2ND RESPONDENT.

EXT.P3:- COPY OF THE PROCEEDINGS NO.B1-14766/01 DT. 17.12.01 OF 2ND RESPONDENT.

EXT.P4:- COPY OF THE PROCEEDINGS NO.E1 9981/02 DT. 11.8.04 OF EXECUTIVE ENGINEER FOR THE 2ND RESPONDENT.

EXT.P5:- COPY OF THE PROCEEDINGS NO.B4-11761/04(1) DT. 14.1.05 OF 2ND RESPONDENT.

EXT.P6:- COPY OF THE PROCEEDINGS NO.B1-892/2004(1) DT. .9.11.04 OF THE 2ND RESPONDENT.

EXT.P7:- COPY OF THE ORDER NO.B4-5138/04 DT. 18.6.04 OF EXECUTIVE ENGINEER FOR THE 2ND RESPONDENT.

EXT.P8:- COPY OF THE ORDER NO.E1-9265/04 DT. 13.5.05 OF THE EXECUTIVE ENGINEER IN CHARGE.

EXT.P9:- COPY OF THE ORDER NO.B4-4598/05(1) DT. 25.6.05.

EXT.P10:- COPY OF THE ORDER NO.B1-5399/05 DT. 8.7.05.

EXT.P11:- COPY OF THE JOINING REPORT DT. 26.5.05 DIRECTED BY THE CHIEF FINANCE AND ACCOUNTS OFFICER.

EXT.P12:- COPY OF THE JOINING REPORT DT. 1.7.05 WITH DIRECTION OF THE CHIEF FINANCE AND ACCOUNTS OFFICER.

EXT.P13:- COPY OF THE REPORT DT. 9.11.01 SUBMITTED BY THE PETITIONER.

EXT.P14:- COPY OF THE REPORT DT. 19.7.04 SUBMITTED BY THE PETITIONER.

EXT.P15:- COPY OF THE PROCEEDINGS NO.B1-3515/200 DT. 6.3.2000 OF THE 2ND RESPONDENT.

EXT.P16:- COPY OF THE REQUEST DT. 13.5.05 GIVEN BY THE 3RD RESPONDENT.

EXT.P17:- COPY OF THE REQUEST DT. 18.5.05 EVIDENCING SUPPLY OF MATERIALS FROM THE STORE TO THE 3RD RESPONDENT.

EXT.P18:- COPY OF THE REQUEST DT. 21.5.05 EVIDENCING SUPPLY OF MATERIALS FROM THE STORE TO THE 3RD RESPONDENT.

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EXT.P19:- COPY OF THE NOMINAL MUSTER ROLL DT. 1.6.05 SHOWING PAYMENT OF SALARY TO SRI.G.ARAVINDAKSHA PANICKER.

EXT.P20:- COPY OF THE REPORT DT. 1.6.05.

EXT.P21:- COPY OF THE ORDER NO.B4-4598/05 DT. 1.6.05.

EXT.P22:- COPY OF THE COUNTER AFFIDAVIT DT. 20.9.05 FILED BY THE 2ND RESPONDENT HEREIN CONT.CASE NO.1077/05.

EXT.P23:- COPY OF THE REPLY AFFIDAVIT DT. 20.2.06.

<u>RESPONDENTS EXHIBITS</u>

EXT.R2(a):- COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DT. 16.6.01.

EXT.R2(b):- COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DT. 17.12.01.

EXT.R 2(c):- COPY OF THE RESOLUTION NO. 6 OF THE MANAGING COMMITTEE HELD ON 24.4.05.

EXT.R2(d):- COPY OF THE ORDER OF THE 2ND RESPONDENT DT. 11.5.05.

/TRUE COPT/

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K. BALAKRISHNAN NAIR, J.

W.P.(C) No.15376 of 2005(E)

Dated this the 6th June, 2007.

JUDGMENT

The petitioner is a First Grade Overseer in the Guruvayur Devaswom. This writ petition is filed by him, challenging Ext.P8 order, by which he had been posted under the Asst. Executive Engineer (Electrical), who is the 3rd respondent herein. Resisting the said posting, earlier, the petitioner had approached this Court by filing O.P. No.29007 of 2000, which was dismissed by this Court by Ext.P1 judgment. The petitioner apprehends that the 3rd respondent will victimise and harass him. That is why he is resisting the posting under him. This writ petition is filed, seeking the following reliefs:

> "i. A writ of certiorari quashing Exhibit P8 as against the petitioner.
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> ii. A writ of mandamus or any other appropriate writ, order or direction, directing the 1st and 2nd

respondent not to post the petitioner under the 3rd respondent.

iii. Any other writ order of direction which this Hon'ble Court may deems fit and proper in the circumstances of the case."

2. As long as the petitioner is an employee of the Guruvayur Devaswom, he is liable to be posted anywhere under the Devaswom, according to the decision of the competent authority. Petitioner cannot insist ,that he shall not be posted under a particular officer. This writ petition is, therefore, without merit and is, accordingly, dismissed.

But, if the petitioner is harassed or victimised by the 3rd respondent, he can move the 2nd respondent and the 2nd respondent shall look into it promptly.

Sd/-

K. BALAKRISHNAN NAIR,
JUDGE.

vav.